

Cyprus

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 11 June 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/cyprus>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

4 stakeholders' reports were submitted for the UPR. 5 NGOs were contacted. The Permanent Mission to the UN was contacted. No domestic NHRI does exist.

5 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 29 recommendations are not implemented, 10 recommendations are partially implemented, and 2 recommendations are fully implemented. No answer was received for 35 out of 76 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Rights of the Child	page 16	not impl.
2	Women's rights, International instruments,	page 17	partially impl.
3	Right to education	page 5	partially impl.
4	Migrants, International instruments,	page 6	not impl.
5	Freedom of movement	page 5	not impl.
6	NHRI	page 20	partially impl.
7	Women's rights	page 17	not impl.
10	Torture and other CID treatment, Rights of the Child, International instruments, ESC rights - general, Disabilities,	page 11	partially impl.
11	Trafficking, Labour,	page 12	not impl.
14	Women's rights, Treaty bodies,	page 17	not impl.



rec. n°	Issue	page	IRI
16	Trafficking	page 13	not impl.
17	Migrants	page 6	not impl.
19	Asylum-seekers - refugees	page 7	partially impl.
20	Rights of the Child, International instruments,	page 11	fully impl.
21	Women's rights, Rights of the Child,	page 17	not impl.
23	Treaty bodies, Trafficking,	page 13	not impl.
24	Migrants, Asylum-seekers - refugees,	page 8	not impl.
25	Women's rights, Rights of the Child, Internally displaced persons,	page 18	partially impl.
26	Other	page 21	fully impl.
28	Women's rights, Internally displaced persons, Disabilities, Asylum-seekers - refugees,	page 18	partially impl.
29	Torture and other CID treatment, International instruments,	page 13	not impl.
31	NHRI	page 20	partially impl.
33	Sexual Orientation and Gender Identity	page 15	not impl.
36	Treaty bodies, Human rights violations by state agents,	page 14	not impl.
37	Treaty bodies, Trafficking, Rights of the Child, Labour,	page 14	not impl.
41	Detention conditions	page 14	not impl.
50	Sexual Orientation and Gender Identity	page 15	partially impl.
52	Trafficking	page 15	not impl.
53	Treaty bodies, Rights of the Child,	page 19	not impl.
54	Other	page 19	not impl.
55	Trafficking	page 15	not impl.
59	Labour	page 6	not impl.
60	Rights of the Child	page 19	not impl.
62	Sexual Orientation and Gender Identity, Human rights education and training,	page 16	not impl.
63	Migrants	page 9	partially impl.
66	Migrants	page 9	not impl.
68	UPR process, Civil society,	page 11	not impl.
70	Asylum-seekers - refugees	page 10	not impl.
71	Migrants, International instruments, Human rights violations by state agents, Asylum-seekers - refugees,	page 10	not impl.
72	Civil society	page 5	not impl.
73	Justice, Human rights violations by state agents,	page 15	not impl.

3. Feedbacks on recommendations

CP Rights

Recommendation n°5: *Ensure that the efforts made to guarantee freedom of movement are continued* (Recommended by Algeria)

IRI: *not implemented*

Internal Displacement Monitoring Centre/Norwegian Refugee Council (IDMC) response:

Peace negotiations continue, but citizens of the Republic of Cyprus still do not fully enjoy freedom of movement and choice of residence on the island.

Recommendation n°72: *Ensure the effective implementation of existing legislation on non discrimination, including by consulting with civil society, disseminating information to vulnerable groups about legal protections that are available to them and directing appropriate resources where needed to improve implementation* (Recommended by United States)

IRI: *not implemented*

Future Worlds Center (FWC) response:

No evidence that such action is taken.

Action for Equality, Support, Antiracism (KISA) response:

Existing legislation on antidiscrimination is simply not enforced in relation to migrants, asylum seekers and refugees. Despite some good reports of the Equality Body on discrimination against those vulnerable groups, nothing has been done to either comply with the reports of the Equality Body or to bring sectoral legislation such a health care of social protection in line with the general antidiscrimination legislation. Migrants, asylum seekers and refugees have never been identified as vulnerable groups to discrimination from the Government. On the contrary, the Government considers that it is entitled to treat these groups differently and discriminately on grounds of their nationality or their legal status. The lack of legal aid in discrimination cases further limits the possibilities for judicial protection as this is evident from the lack of any Court cases on discrimination.

ESC Rights

Recommendation n°3: *Consider the measures it deems appropriate to guarantee effective access to basic education for all* (Recommended by Algeria)

IRI: *partially implemented*

KISA response:

Yes for migrant undocumented children. After many years of inactivity, the Council of Ministers finally withdrew the Circular of the Director of the Civil Registry and



Migration Department that schools should request the residence permit of students as well as an obligation of the students to declare address and other details as it was found by the Ombudsman to be discriminatory and violating the right of undocumented children in access to school and education.

Recommendation n°59: Adopt the necessary regulatory and inspection framework and fully implement the mechanisms already in place to guarantee the same legal protection to domestic workers as to other citizens (Recommended by Slovakia)

IRI: not implemented

KISA response:

Nothing has been done to that effect. The situation with domestic workers remains the same. The only difference was the raise in their wages of 25 Euro. Domestic workers have no legal safeguards in relation to their rights in Cyprus. Existing mechanisms of filing complaints to the Labour Dispute Committee, which have never been included in any law but remain implemented on the basis of administrative practice, are not effective at all. Most recently the policies of the Migration Department is not to approve the change of an employer in cases of labour disputed and to request domestic workers to leave the country before the expiration of their four years of maximum residence on unjustified grounds, even if their complaints of the labour dispute are found justified.

Indigenous & Minorities

Recommendation n°4: Consider the possibility of acceding to ICRMW and intensify efforts to prevent discrimination against this population (Recommended by Algeria)

IRI: not implemented

KISA response:

It has never been discussed again.

Recommendation n°17: Consider alternative measures to the detention of migrants that will be less restrictive of the human rights of the individuals concerned (Recommended by Brazil)

IRI: not implemented

FWC response:

No alternatives to detention have been implemented to date nor are any under discussion. In December 2011 EU DIRECTIVE 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals was transposed, however the procedures described in the amended law are not followed such as the re examination of detention every 2 months and release if there is no prospect of return. In recent months it has been noticed that detainees may be released after the elapse of 6 months which is the maximum period they can be detained under the current law (there are exceptions for the an additional 12 months) however this is not followed for all nor are detainees informed of the reasons they are or are not released. In addition detainees are neither informed adequately of their right to challenge the detention or deportation order nor that they have a right to apply for legal aid. Decisions of the Supreme Court ordering the release of detainees



based on habeas corpus have been ignored by the administration and although the law stipulates that if the Court issues the release by habeas corpus the person must be immediately released this is not followed, again the detainee is not given explanations on this.

KISA response:

Not implemented. On the contrary detention policies of asylum seekers and migrants have become harsher and more arbitrary. Despite the transposition of European Union Council Directive 2008/115/EC on the return of illegally residing third country nationals and the provisions on detention which reflect in a way the principles of international law and of the ECtHR on detention for the purpose of deportation, these are not implemented at all. Not only the authorities have not changed their detention policies but even when the Court finds detention illegal in terms of its duration and orders the immediate release of migrants, the authorities continue to detain migrants on the basis of new detention and deportation orders, completely ignoring the decisions of the Supreme Court in habeas corpus applications. Moreover, children are separated by both their parents sometimes, as parents are detained and children are taken under the care of the welfare services. Detention conditions continue to be inhumane amounting to inhuman treatment as migrants are detained for long periods in Police Detention Centres designed for very short detention periods of a few days. In addition in the last years, the policy of detaining asylum seekers, which was abandoned for a while, is again implemented. As a result, asylum seekers who do not file their asylum application as soon as possible from their entry in the Republic or those who are convicted for crimes related to their immigration status such as for illegal employment or illegal stay, they are detained on the basis of detention and deportation orders. Deportation is suspended because they are asylum seekers but not detention therefore resulting in long detention periods,

Recommendation n^o19: *Take appropriate measures for the provision of legal aid to asylum-seekers and migrants* (Recommended by *Brazil*)

IRI: partially implemented

FWC response:

Access to legal aid is granted only at the Supreme Court level. The Supreme Court decides only on points of law and does not examine the substance of the asylum claim. The provision of legal aid has been subjected to a “means and merits” test, rendering the asylum seekers unable to identify and argue before the Supreme Court the legal flaws relating to the decisions on their claims, without expert legal advice. No legal aid is afforded during the substantial examination of the asylum claims on first and second instance. Legal Aid is provided to migrants in detention however they are not informed of this and it has also been subjected to a “means and merits” test, rendering the migrants unable to identify and argue before the Supreme Court the legal flaws relating to the decisions on their detention, without expert legal advice

KISA response:

Partially met. The law on legal aid was amended to provide for legal aid to asylum seekers and undocumented migrants in relation to negative decisions on asylum claims and return/ deportation decisions, respectively. However, in practice the system is not functioning effectively as a result of which very few legal aid



applications have been approved by the Court on asylum claims and none in relation to deportation cases. The law provides that in order for legal aid to be granted the applicant must prove possibility of success of the case. However, proving success in a legality review of the Supreme Court is very difficult. The applicants have to present their case alone and without the help of a lawyer or an NGO, as no NGOs are funded for this purpose, whereas on the other side is the Attorney General's Office Lawyers who always object to legal aid applications. As a result it is very difficult for asylum seekers or irregular migrants to secure legal aid. In the last two or three years since the amendment of the law in legal aid cases, only a handful of applications have been successful and mainly because the applicants had unofficially the help of lawyers or some kind of NGO support in defending their case. Moreover, no legal aid is provided in the administrative phase of the determination of the asylum claim. Refugees appear at interviews and submit their administrative appeal alone and without the help of lawyers or NGOs. The limited provision of legal aid at the level of Court procedures is of limited value taking into account the Supreme Court does not examine the substance of the case and cannot take a decision on the merits but only reviews the decision as to its legality.

Recommendation n°24: *Continue adopting appropriate measures to secure the human rights of asylum-seekers and irregular migrants* (Recommended by Chile)

IRI: *not implemented*

FWC response:

No such measures have been adopted. In addition the current economic crisis has made the environment more hostile to all non Cypriots and especially third country nationals of any status. Episodes of xenophobia and racist attacks are on the rise.

KISA response:

During the last four years, the government adopted even more stringent measures against asylum seekers and irregular migrants, in the context of the already strict asylum and immigration policies they used to have. Asylum procedures continue to remain unfair and ineffective with very low recognition rates. There have been numerous complaints by persons in detention that were not given access to the asylum procedures, particularly Syrians. Moreover, the Government adopted a policy of detaining all persons trying to seek asylum if they did not present themselves to apply for asylum within reasonable time from their entry into the Republic irrespective if their claim was *sur place*. The same policies applied in relation to asylum seekers convicted for minor crimes related most of the time to their immigration status such as illegal employment or illegal stay because they did not declare change of their address, who immediately upon their release are rearrested on the basis of detention and deportation orders. Deportation is suspended but not detention, resulting in long detention periods in detention centres which are only appropriate for short detention of a few days. The majority of asylum seekers continue not to have access to the majority of social and economic rights such as housing, employment and social support and to a dignified standard of living. In the context of the economic crisis and the rise in unemployment, the Ministry of Labour and Social Insurance is not referring asylum seekers for jobs, even in the sectors of the economy they are entitled to work, giving priority to Cypriots. At the same time, asylum seekers do not have access most of the times to social support either. As far as irregular migrants are concerned,



Directive 2008/115/EC is not implemented at all even though it has been transposed into national law. The only rights secured for irregular migrants, are the rights of migrant children to health care and education, Despite the provisions of the new law transposing Directive 2008/115/EC that irregular migrants could apply for a residence permit on humanitarian grounds, the authorities even if such application is made, proceed with their deportation before a decision is taken on their application,

Recommendation n°63: *Adopt an effective policy for the integration of migrants* (Recommended by Sweden)

IRI: partially implemented

FWC response:

An action plan has been drafted regarding the integration of migrants however in practice this consists of [fragmentary] actions that have minimum effect and is under no circumstances sufficient. In addition Civil Society is not involved in a regular manner.

KISA response:

Despite the adoption of a so called integration action plan by the Ministry of Interior, nothing has been effectively done for the integration of migrants. Migrants continue to live in the margins of the society with less to no rights and in the context of a migration model that de facto does not allow for their integration in the country. The migration model followed according to which migrants as a rule are only entitled to remain in the country for a maximum period of 4 years during which they are only entitled to work for a specific employer and in specific sector of the economy, does not allow for their effective integration. Even those who manage to stay for more than 4 years, for various reasons and under exceptional policies, some of which they may be staying for more than 15 years in the country, may not be considered integrated. Access to citizenship is almost impossible as the majority of naturalisation applications are rejected on grounds most of the times that "there is not particular reason why citizenship should be granted". At the same time, access to long term residence or permanent residence is also almost impossible as this, on the basis of current policies found to be legitimate even from the Supreme Court, is reserved only for those migrants working in the international business sector and not to low skilled or low wages migrant workers, including domestic workers. From the integration action plan the only measure that was partially implemented was the provision of Greek lessons to only some categories of migrants.

Recommendation n°66: *Inform migrants of their rights* (Recommended by Sweden)

IRI: not implemented

FWC response:

Information for all statuses is insufficient in addition civil servants are often hostile to migrants which makes it even harder to obtain such information.

KISA response:

Migrants in general may not be considered informed of their rights in the country. There is no general policy on provision of information to migrant workers who rely for information to the so called "private employment agencies", who are most often part of the exploitative cycle of migrants or the limited NGOs such as KISA which work



without any resources from the state. Recently the state funded a project under the Integration Fund, for the preparation of guides for migrants on their rights in Cyprus. However, the Guide was only printed in limited numbers whereas it was also downloaded on the internet, to which the majority of migrants, and particularly workers in the farming industry and domestic workers do not have access to.

Recommendation n°70: *Take further steps to integrate refugees (Recommended by United Kingdom)*

IRI: *not implemented*

FWC response:

No further steps to integrate refugees have been taken except for [fragmentary] actions which are under no circumstances sufficient. In addition opportunities to enhance integration such as projects funded by the European Refugee Fund have been frozen since 2010. Nationality is not granted to Refugees in general except for a few exceptions.

KISA response:

No measures have been taken to integrate refugees. In particular, refugees are only given a three years residence permit that may be renewed. There is no possibility for refugees to be granted permanent residence permits or permits for indefinite leave to remain. Access to citizenship for refugees is severely restricted by government policies and practices that allow for a citizenship application to take six to seven years to be examined and then rejected on grounds of illegal entry or illegal stay in the Republic even if this is only for a few days despite the provisions of the 1951 Geneva Convention providing for the obligation of signatory states to facilitate the naturalisation of refugees. The majority of refugees applying for citizenship are also rejected on grounds of non integration despite the fact that this is not a requirement provided in the law whereas no integration policies or measures have ever been taken by the Government in relation to their integration. Access to employment according to qualifications for refugees is severely restricted as the Government never put in place a system for the recognition of professional qualifications of refugees. At the same time refugees are most of the times unable to receive further training and retraining according to their skills and professional qualifications therefore their situation deteriorates as they can only be employed in low skill and low wages jobs not allowing them to effectively contribute in the economy of the country, in accordance with their skills. Access to social rights, even though according to the law is supposed to be on equal terms as with Cypriots, in practice, refugees are severely discriminated against in relation to health care, social support, education and scholarship opportunities etc. The only measure taken on behalf of the Government in relation to the integration of refugees was the provision of language courses. These however were not subsequently linked to any other measures that would allow for the integration of refugees in better employment or self employment possibilities.

Recommendation n°71: *Ensure that incidents of police abuse of detainees, including cases of abuse directed at immigrants, asylum-seekers and other foreign nationals, are prevented by strengthening legislation to protect the rights of arrested and detained individuals from physical mistreatment and ensuring that they are afforded a*



full complement of due process rights in accordance with its obligations under the International Covenant on Civil and Political Rights (Recommended by United States)

IRI: *not implemented*

FWC response:

No improvement has been noted the situation is as it was.

KISA response:

The legislation regulating the rights of those arrested and detained has not been amended to provide for more protection, including migrants and asylum seekers. In 2011, special legislation together with regulations, was enacted in relation to the places of detention and the treatment of migrants and asylum seekers detained for the purpose of deportation but has not been implemented in practice as the special detention centres that were built for that purpose were not operated and they continue to be detained in Police Detention centres for long periods. KISA has many times filed complaints against the Police for ill treatment of migrants and asylum seekers by the Police, but up to now these complaints are either investigated and the file is closed as no evidence was available proving the ill treatment complaint or KISA is not informed of the results of the investigation. There has never been one single case brought to justice for ill treatment of migrants or asylum seekers while in detention up to date, despite numerous complaints made or, as far as KISA is aware, there has never been any disciplinary procedures taken against police officers for ill treatment of migrants and asylum seekers while in detention.

International Instruments

Recommendation n°10: Consider the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OPCAT, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict OP-CRC-AC, the Convention on the Rights of Persons with Disabilities CRPD and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights OPA-ICESCR (Recommended by Argentina)

IRI: *partially implemented*

KISA response:

Partially met. All Conventions have been ratified apart from the OPA - ICESCR

Recommendation n°20: Speed up the process of ratification of OP-CRC-AC (Recommended by Bulgaria)

IRI: *fully implemented*

KISA response:

Ratified.

Recommendation n°68: Engage with civil society groups in the follow-up to the universal periodic review (Recommended by United Kingdom)

IRI: *not implemented*

IDMC response:



Civil society groups working on the issue of internal displacement as a result of the conflict in 1974 have not been consulted or involved in any follow-up activities to the universal periodic review.

KISA response:

There has been no engagement with civil society in the follow up to the universal periodic review. KISA is not aware of any efforts made on behalf of the Government to engage civil society into that. On the contrary the experience of KISA as an NGO advocating for the rights of migrants, asylum seekers and refugees is that of criminalisation of its work as well as its financial strangulation. KISA's executive Director and/or KISA as an organisation were prosecuted in five different occasions for defending the rights of migrants and refugees. These criminal procedures were always eventually dropped because of lack of evidence of the crimes accused of, apart from the last one which was actually tried from the Court and in which the executive Director of KISA was acquitted on the charges brought against him for "rioting" during events that have taken place in November 2010 at the Rainbow Festival, a multicultural festival organised every year by KISA. In the 2010 Festival that took place in Larnaca, the Festival was attacked by extreme right wing and neo-Nazi parties and groups and due to lack of appropriate policing, ended up in casualties and injuries of a number of people participating at the Festival. The case attracted the support and interest of many international and European NGO networks such as ENAR, EuroMediterranean Human Rights Network, PICUM, FAHAMU Network for social justice, FRONTLINE Defenders and many other NGOs as well as the UN Special Rapporteur on Human Rights Defenders, the Council of Europe Commissioner on Human Rights as one that targets human rights defenders in Europe. In addition to that, KISA has been financially strangulated with the state withdrawing even the limited financial support of the organisation and by refusing to pay funds for projects already implemented under European programmes such as the European Refugee Fund.

Justice

Recommendation n°11: Take appropriate measures to ensure stricter control on the new work permit system and intensify its efforts to bring to justice all those involved in trafficking in persons (Recommended by Argentina)

IRI: not implemented

KISA response:

Little has been done to that effect. The new work permit system replacing the so called "artist visas" is not transparent as nobody knows exactly how it works, what the requirements are for the so called group artistic visas to be issued, what kind of checks and balances have been put into place in order to ensure that women coming under the group visas are not victims of trafficking, etc. Moreover, what is more prevalent today in terms of sexual exploitation is that this is no longer taking place to a large extent in cabarets and night clubs but in pubs or in rented apartments for that purpose. The women coming to work in these places normally come with normal



working visas as bar maids or in restaurants to work for a specific employer and only in the specific sector of the economy. Therefore nothing has changed in terms of the migration model followed by Cyprus so as to limit exploitation either for sexual purposes or for labour purposes. At the same time, the results of prosecution cases of traffickers are very disappointing as in the majority of the cases traffickers are either acquitted or they are convicted to very low penalties under the ordinary penal provisions of the Criminal code and not under the anti trafficking legislation which provides for much higher penalties. In one of the most serious cases of labour trafficking of some 200 EU nationals from Bulgaria, the trafficker was acquitted.

Recommendation n°16: Vigorously pursue prosecutions under its new anti-trafficking legislation and ensure that responsible government institutions are adequately resourced to provide timely and effective follow-up on specific cases (Recommended by Australia)

IRI: not implemented

KISA response:

See answer under recommendation 11. In addition to what has been reported there it has to be noted that in KISA's opinion the reason for the low prosecution and success rates is the continuing lack of any support to the victims of trafficking both in terms of access to social rights and their rights as victims in the criminal proceedings as well as the absence of any effort for their proper preparation from the prosecution authorities as witnesses in the criminal procedure. Cyprus did not transpose into its domestic legislation the European Union Framework Decision on the rights of victims in the criminal procedure. Another problem in successful prosecutions of traffickers is the lack of specialised training of public prosecutors in such cases as well as judges.

Recommendation n°23: Take concrete measures to follow up on the concluding observations of the Committee on Economic, Social and Cultural Rights related to trafficking and sexual exploitation of trafficking victims (Recommended by Canada)

IRI: not implemented

KISA response:

Access of victims of trafficking to social rights continues to be problematic. Although under the law victims of trafficking have the right to be employed in any kind of job and in any sector of the economy, most of the times they continue to be referred to the low skilled and low wages jobs allowed only to migrant workers. The housing of victims of trafficking in the Government shelter is only allowed for the first two months after their recognition as victims, after which there are no programs for their housing needs and no integration programmes at all. After they leave the shelter, they are entitled to welfare benefits which are often delayed leaving victims in limbo in terms of their housing needs and access to other social rights. Moreover, only victims who are willing to cooperate with the Police and the prosecution decide to prosecute the traffickers are entitled to those rights. The rest of the victims are simply deported back to their country of origin without any support or any reintegration programmes been implemented for them.

Recommendation n°29: Secure the effective functioning of its national preventive mechanism in accordance with OP-CAT (Recommended by Czech Republic)

IRI: not implemented

FWC response:

No evidence of such action being taken or no evident results

Recommendation n°36: *Following concerns expressed by the Committee against Torture, investigate reported cases of physical ill-treatment by the police and ensure the rooting out of such unlawful practices (Recommended by Israel)*

IRI: *not implemented*

FWC response:

No evidence of such action being taken or no evident results

KISA response:

In relation to complaints made by KISA against the Police for ill treatment of migrants and asylum seekers in detention more than a year ago, we have not been informed of any investigation taking place or for the results of any such investigation.

Recommendation n°37: *In line with the recommendations made by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination Against Women, ensure strict control over the new work-permit system - intensify its efforts to bring to justice those involved in human trafficking - and commit itself to the full and speedy implementation of the Plan of Action for the Coordination of Actions on Combating Trafficking in Human Beings and Sexual Exploitation of Children (Recommended by Israel)*

IRI: *not implemented*

KISA response:

See answer [to recommendation n° 23] on the same matter. In addition, the implementation of the Action Plan Against Trafficking in Human Beings has been very slow to no implementation at all.

Recommendation n°41: *Improve prisons and detention facilities, particularly in police establishments (Recommended by Italy)*

IRI: *not implemented*

FWC response:

No substantial improvement in prisons and detention facilities. Regarding the Central Prison there are numerous complaints against the Director (substituting for the previous Director) regarding the violation of basic rights of the prisoners and there are reports from the Ombudsperson confirming such violations however no action has been taken by the Ministry of Justice. Examples of such violations include the forced fasting of all prisoners during lent (leading up to the Orthodox Easter) regardless of their religion or intention to practice this; the forced shaving of hair and facial hair for all prisoners regardless of religion, (amongst these was an imam); Limitation of food rations in order to cut costs; Punishment in solitude of 3 prisoners who collected signatures and drafted a complaint regarding the above measures and other; Suspension of the Parole system; Regarding the detention facilities these remain as they were and are insufficient for long period detentions for which they are used. Although the new detention center has been completed since September a dispute in parliament regarding whether state employees will run it or a private company has prevented it operating.



KISA response:

The Government has built new detention centres in Menoya especially for the detention of migrants for the purpose of deportation, Even though these are ready, at least the first phase of the centre, they are not operating at all and migrants and asylum seekers continue to be detained in Police Detention Centres.

Recommendation n°52: *To evaluate, and monitor the effectiveness of the measures taken with regard to combating trafficking of human beings, the protection of victims, and bring to justice those involved in human trafficking* (Recommended by Netherlands)

IRI: *not implemented*

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Recommendation n°55: *Further intensify its efforts in the fight against trafficking in human beings* (Recommended by Norway)

IRI: *not implemented*

KISA response:

See answers [to recommendations n° 23 and 37].

Recommendation n°73: *Finalize a professional code of conduct for police and security forces, as well as investigate alleged breaches and prosecute as appropriate, to strengthen accountability and prevent future abuses and violations* (Recommended by United States)

IRI: *not implemented*

FWC response:

No evidence of such code being in force or taken into consideration

Sexual Rights

Recommendation n°33: *Prohibit all discriminatory practices and criminalize defamation, slander and incitement to discrimination, hostility or violence, whether they are public or not, towards a person or a group of persons because of their sexual orientation* (Recommended by France)

IRI: *not implemented*

Accept/ILGA Europe (Accept) response:

The law on discrimination does not currently make specific reference to sexual orientation or gender identity.

Recommendation n°50: *Reinforce existing non-discrimination legislation and take all necessary measures to prevent discrimination on the grounds of sexual orientation* (Recommended by Netherlands)

IRI: *partially implemented*

Accept response:

This is not being implemented across the board. However, specific agencies are beginning to include some level of legal measures and protection in their protocols. For instance, Cyprus Radio and Television Authority have included as part of their



legal reform process specific reference to sexual orientation and gender identity - this however is still pending full ratification by the legal reform review body. The law on sexual harassment in the work place makes specific reference to protection of an employee on the grounds of sexual orientation and/or gender identity and is currently in force. Although laws exist on discrimination there are no other specific references or specific provisions in place for LGBT

Recommendation n°62: Intensify specific awareness-raising activities regarding sexual orientation at a national level to contribute to a better protection of the rights and freedoms of gays, lesbians, bisexuals and transsexuals (Recommended by Spain)

IRI: not implemented

Accept response:

There is currently no official mechanism in place geared towards awareness-raising. Accept LGBT Cyprus is the first registered LGBT organisation in the Republic of Cyprus which works tirelessly on awareness raising, training, information giving and advocacy with regard to LGBT issues. Other agencies such as educational institutions, police, political parties, and ministries have pledged their support to accept LGBT Cyprus activities and discussions but have not taken the lead or the initiative.

Women & Children

Recommendation n°1: Bring legislation governing the rights of the child into line with relevant international instruments and provide the office of the Commissioner for the Protection of Children's Rights with the support needed for it to assume its role of preservation and protection of children's rights (Recommended by Algeria)

IRI: not implemented

FWC response:

Within the asylum context it has been noticed that the recommendations of the Commissioner for the protection of the Children's Rights are often ignored by the administration. Regarding the refugee status determination procedure for children this has been on hold for the last two years due to a dispute between the Commissioner and the Head of the Asylum Service regarding the interpretation of the law. The legal representation of children in the asylum process is to be undertaken by the office of the Child Commissioner, who however has not been allowed by the competent authorities to do so through retaining the services of private lawyers.

KISA response:

Not been done in relation to migrant children where discrimination on grounds of nationality or legal status is in place in various legislations as regards access to social rights such as the rights social support and access to health care. Moreover the interest of the child is not taken into account in relation to deportation of migrant families with children. The Commissioner for the Protection of the rights of the Child, even though under the law is responsible for the legal representation of



unaccompanied asylum seeking children is not accepted by the authorities to represent such children in the asylum procedures for three years now because the Government denies this representation to take place from lawyers appointed from the Commissioner to act on her behalf

Recommendation n°2: *Consider measures it deems appropriate to eliminate the discrimination in terms of disparity of salaries between men and women, in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Algeria)*

IRI: *partially implemented*

KISA response:

Partially done in relation to migrant women who work as domestic workers whose low wages have already been found by the Equality Body to be discriminatory. The only measure that has been taken was the 25 euro per month rise of the salary of domestic workers..

Recommendation n°7: *Adopt effective measures to combat violence against women in all its forms and allocate human and financial resources for the implementation of such measures, in particular regarding the protection of victims (Recommended by Argentina)*

IRI: *not implemented*

KISA response:

No particular measures have been taken in relation to violence against migrant women and against victims of trafficking for the purpose of either sexual or labour exploitation. The migration model followed by Cyprus which allows for situations of severe exploitation and violence against migrant domestic workers and women working in the sex industry continues to be in place and has become even stricter. KISA continues to accept considerable numbers of complaints from migrant women involving exploitation and violence against them to which the authorities not only do not respond positively in order to protect them but in most situations these women are also subjected to deportation measures instead of being protected and supported as victims of violence.

Recommendation n°14: *Incorporate a gender perspective in all government policies that target women belonging to different groups of vulnerable people, in line with relevant recommendations of the Committee on the Elimination of Discrimination against Women (Recommended by Australia)*

IRI: *not implemented*

Cyprus Movement of Refugees & Displaced Mothers (CMRDM) response:

Even if a "gender perspective" exists, the result is that the recommendations of the CEDAW are not implemented. [...]

Recommendation n°21: *Adopt and implement an effective strategy to combat domestic violence (Recommended by Canada)*

IRI: *not implemented*

KISA response:

No such strategy has been adopted or implemented as far as migrant domestic workers is concerned. According to the Cypriot domestic violence legislation,



domestic workers when they live in the house of their employers are considered for the purposes of the law as members of the family and should be protected the same way as other members of the family. However, the authorities do not implement the legislation when the victim is a domestic worker. KISA has offered support services to many domestic workers victims of violence, rape, sexual harassment and other forms of ill treatment of domestic workers by their employers. If a complaint from a domestic worker for violence is submitted at the Police it is not treated as a domestic violence complaint, where the penalties are much higher, but only as an ordinary penal code crime in the best case scenario or they even refuse to take the complaint referring domestic workers to the Labour Department to file a complaint for labour dispute.

Recommendation n°25: Continue cooperating with the competent bodies to secure protection of the human rights of the internally displaced, particularly women and children (Recommended by Chile)

IRI: partially implemented

IDMC response:

Discrimination in the enjoyment of displaced person status partially ended in 2011, as the children of women with displaced person status became eligible for two out of three housing programmes that children of men with the status have access to. However, the children of displaced women could still not access private housing assistance on a par with the children of displaced men. Furthermore, the children of women with displaced status receive a "certificate of descent" whereas the children of men with displaced status receive displaced status and access to the associated benefits. Also as a result of the 2011 amendments, there is now equal treatment of the children of all people with displaced person status in the housing loan schemes of the Central Agency for Equal Distribution of Burdens.

CMRDM response:

Our goal is to eliminate the gender discrimination and implement gender equality. After 6 years of negotiations the government has partially amended the law permitting our children to enjoy part of the housing benefits regrettably our children are not listed in the IDP's catalogue. The government denies the issuance of the IDP ID.

Recommendation n°28: Adopt a comprehensive and integrated approach to its gender equality policies in all areas, especially with regard to refugees, asylum-seekers, displaced persons and persons with disabilities (Recommended by Czech Republic)

IRI: partially implemented

IDMC response:

See response to recommendation n° 25.

CMRDM response:

The paradox is that the republic of Cyprus does not discriminate the refugees or asylum-seekers in respect to the economic support given to them. The worst of all discrimination perpetrated by our government is to its own lawful citizens: the children of mothers' IDPs.

KISA response:

Not as regards migrant and refugee women. None of the gender equality policies adopted applies in practice to migrant and refugee women.

Recommendation n°53: *Ensure that all children with displaced person status are treated equally in the law irrespective of the sex of their parents, as recommended, inter alia, by the Committee on Economic, Social and Cultural Rights in 2009 (Recommended by Norway)*

IRI: *not implemented*

IDMC response:

See response to recommendation n° 25.

CMRDM response:

The children of mothers' IDPs are not treated equally in the law and are still discriminated. The recommendations of ECOSOC 2009 are not taken into consideration.

Recommendation n°54: *Ensure that women continue to participate fully in the peace process, in line with Security Council resolution 1325 (2000) (Recommended by Norway)*

IRI: *not implemented*

CMRDM response:

The Cyprus movement of refugees & displaced mothers was not asked to participate. The Security Council resolution 1325 (2000) has never been communicated to us either by the republic of Cyprus or the UN.

Recommendation n°60: *Do its utmost to guarantee that children, regardless of their descent status, are treated equally in law and in practice (Recommended by Slovenia)*

IRI: *not implemented*

IDMC response:

See response to recommendation n° 25.

CMRDM response:

Our children are not treated equally in law. in practice there is a regrettable minimum implementation. They are eligible on 2 out of 3 housing schemes. as far as the central agency for equal distribution of burdens is concerned, even though our president committed himself to seeing this issue resolved a year ago nothing has been done up to now.

KISA response:

Migrant and refugee children are not treated equally in law and practice. Migrant children do not have access to many social rights in equal terms as Cypriot or EU children. The only right guaranteed fully is access to education. Otherwise, migrant children do not have access to equal treatment, in law and in practice, as regards access to health care, access to social protection and social support, access to the labour market as entitled under the law when over the age of 15.



Other

Recommendation n°6: *Accelerate the measures undertaken to allow the national institution for the protection of human rights to comply with the Paris Principles (Recommended by Argentina)*

IRI: *partially implemented*

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Recommendation n°31: *Accelerate the steps undertaken to make the national institution for the protection of human rights established in 1998 fully compatible with the Paris Principles and provide it with the necessary resources empowering it to fulfil its mandate (Recommended by Egypt)*

IRI: *partially implemented*

KISA response:

The national institution for the protection of human rights which was initially established in accordance with a Council of Ministers Decision, instead of been legally established by law, which was the commitment of the Government towards many international bodies for quite a lot of years, it was completely abolished. Instead the Government amended the law of the Ombudsman and added some of the functions of the NIPHR. Despite the fact that the Ombudsman is a body that is committed to human rights and that produces good reports, the fact that additional competences have been allocated to that body, raises issues of concern. The Ombudsman acts also as the Equality Body and the Body for the Prevention of Torture, Inhuman and Degrading Treatment. The additional functions of the Ombudsman to act as NIPHR have not been accompanied with additional resources to be able to cope with this, with a clear and sufficiently precise internal structures delimiting the various competences as a result of which one does not know how the complaint submitted will be treated as the various functions have different limitations. In addition, the Attorney General of the Republic who according to the Constitution is the legal advisor of the Government does not come under the monitoring of the Ombudsman acting in its capacity as NIPHR therefore leaving ample room for the authorities not to follow the suggestions or reports of the NIPHR on human rights issues, if the Attorney General provides legal opinion that laws or practices of the authorities do not violate human rights. As this has happened before, it is very worrying as in effect the powers of the Ombudsman as NIPHR could be severely compromised and curtailed by the legal advisor of the Government who is the Attorney General. Moreover, it is a matter of principle and political will as to whether the state is willing to invest human and financial resources on issues of human rights. Each time the state is under the obligation to establish mechanisms or bodies related to monitoring and observance of human rights, it just adds additional functions to the ombudsman as the easiest way out without seriously considering the most effective mechanisms that need to be established in human rights protection, and without enabling at the same time the Ombudsman to function effectively as it does not allocate more human and other resources.



Recommendation n°26: *Enable the Committee on Missing Persons in Cyprus to continue working on the exhumation, identification and return of human remains (Recommended by Chile)*

IRI: *fully implemented*

IDMC response:

The Committee on Missing Persons has been working on the exhumation, identification and return of human remains since 2006. As of March 2012, the Committee reported that 316 identified missing individuals were returned to their families.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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